§ 80, supra, is not self-executing and the court was powerless to afford a remedy. Judgment for the defendant was therefore affirmed. *Turner et al.* v. *City of Hattiesburg* (1910), — Miss. —, 53 South. 681.

A limitation on the power of municipalities to incur indebtedness, imposed by a state constitution, is inoperative in the absence of supplemental legislation; *Holtzhauer* v. *Newport,* 94 Ky. 396, 15 Ky. L. Rep. 188, 22 S. W. 752, and in general a constitutional provision is self-executing only when it supplies a sufficient rule by means of which a right may be given or a duty enforced, *Ex parte McNaught,* 23 Okl. 285, 100 Pac. 27; *Finklea* v. *Farish,* — Ala. —, 49 South. 366; *People* v. *Provines,* 34 Cal. 520; *State* v. *Dubuclet,* 28 La. Ann. 698. Furthermore an examination of article 80, supra, itself clearly shows that the intent was that it should be enforced by means of subsequent legislation and not operate of its own force and effect. Here, however, is an act of the legislature which, in the language of the dissenting opinion in the principal case, "is not an exercise of the legislative judgment fixing a limit, but on the contrary a plain attempt to override the constitutional command." The act (Laws 1910, c. 120) would perhaps constitute a means of exercising an abuse such as contemplated by § 80 of the constitution yet how be certain that such would be the case in the absence of any legislation whatever under the authority of § 80? A contrary supposition, *i. e.,* that Laws 1910, c. 120 does not empower an overstepping of the limitation sought to be brought about by the contemplated legislation authorized under § 80 might fairly be indulged in because the act of 1910 authorizes "the issuance of bonds to obtain the local benefits resulting from the location of the college within the municipality." It is quite possible that a municipality might levy a tax to meet the expenses of securing so obvious a benefit as a normal school and its action in this regard be quite consonant with the meaning of § 80 supra. The danger would of course lie in the fact that such a power might be unwarrantably extended, and might reach entirely beyond the benefit incurred. When a statute is susceptible of two interpretations, one of which will uphold its constitutionality, that interpretation will be adopted. *State* v. *Pitts,* — Ala. —, 49 South. 441; *Dixon* v. *Russell,* — N. J. L. —, 73 Atl. 51; *Rakowski* v. *Wagoner,* — Okl. —, 103 Pac. 632.

MUNICIPAL CORPORATIONS—STREET PAVING—"IN FRONT OF LOTS"—APPORTIONING COST.—In the year 1907 the village of Glens Falls adopted an ordinance under which Grove avenue was paved, one-half at the expense of the village and the other half by an assessment upon the owners of lands adjoining the avenue. The ordinance provided that "no land owner shall be required to grade, pave, etc., etc., any portion of the street not in front of his land—." Plaintiff was the owner of a lot fronting on Grove avenue at the corner of said avenue and Davis street, and in addition to being assessed for the number of feet frontage upon Grove avenue was also assessed for one-quarter of the space of the paving of the intersection of Grove avenue and Davis street. He refused to pay for the latter portion of the assessment and the controversy was submitted upon an agreed statement of facts. *Held,*

plaintiff not liable for the amount in controversy. *O'Leary* v. *City of Glens Falls* (1910), — N. Y. —, 93 N. E. 513.

The Appellate Division rendered judgment for the plaintiff on the ground that, since he was the owner in fee merely to the boundary of the highway, none of the territory embraced in the intersection of the streets "fronted on" his property, and that therefore the municipality should bear the expense of the paving of the intersection. The Court of Appeals in reviewing the decision of the lower court criticizes this holding as amounting to an inferential conclusion that where the abutting owner owns to the center of the highway, he would be chargeable with the expense in accordance with the contention of the defendant here. The Court of Appeals furthermore prescribes a method of assessing the expense of paving the intersection whereby the amount of the tax assumed by the municipality is to be deducted from the gross sum that the pavement cost, and the balance thereof assessed pro rata upon the lands of all the abutting owners according to the foot frontage of their respective lots. This was the rule adopted in *Conde* v. *City of Schenectady*, 164 N. Y. 258, 266, 58 N. E. 130, 132; see also *Smith* v. *City of Buffalo*, 159 N. Y. 427, 432, 54 N. E. 62, 63. It would seem that this method of assessment might be open to criticism on the ground that it still throws a burden on the plaintiff together with all the abutting land owners in regard to an improvement which is not "in front of" his or their property and it is difficult to see why the city should not bear the expense of paving the intersection in view of the fact that the intersection is in front of city property, the fee in all the streets being in the city. In answer to this argument it appears that the general custom in the State of New York is not to assess public streets even for local improvements: *City of Schenectady* v. *Trustees of Union College*, 144 N. Y. 241; *People ex rel. Davidson* v. *Gilon*, 126 N. Y. 147; *People ex rel. Mayor, etc.* v. *Board of Assessors*, 111 N. Y. 505; *Mansfield* v. *Lockport*, 24 Misc. Rep. 25, 36. For a contrary custom see the following Illinois cases: *Cramer* v. *Charleston*, 52 N. E. 73, 176 Ill. 507; *St. John* v. *East St. Louis*, 50 Ill. 92.

NAVIGABLE WATERS—ACCESS TO WHARF—INTERFERENCE.—Defendant lumber company owning upland purchased from the state tide lands out to deep water, no harbor line having been established, and built a wharf at the edge of deep water. A railroad company subsequently built a drawbridge adjoining the wharf so close that the draw could not be opened while a vessel was lying at the wharf. Action is brought by the railroad company against the lumber company to enjoin the interference with the opening and closing of the drawbridge. *Held*, (RUDKIN, C. J., and GOSE, J., dissenting) defendant's rights to have vessels load at the wharf could not be enjoined by the railroad without compensation, even though the bridge had the sanction of the state and federal authorities. *Northern Pac. Ry. Co.* v. *S. E. Slade Lumber Co.*, (1910), — Wash. —, 112 Pac. 240.

A dissenting opinion by the Chief Justice is based on the theory that as against the sovereign the individual has no property nor property rights in public navigable waters; that after the United States has consented to the